Asbestos Determination Language for Inclusion in Section 2 of the Solid Waste Regulation:

Any person who generates a "solid waste," as defined in Section 1.2 of these Regulations, must determine if that waste is Regulated Asbestos Containing Soil (RACS) using the following method:

- (A) The asbestos determination shall be made within five (5) calendar days of discovery of the solid waste.
 - (1) Within 24 hours of discovery, and until the asbestos determination is made, the solid waste must be stabilized in accordance with Section 5.5.3(A)(3) of these Regulations.
 - (2) No management of the solid waste shall occur prior to the asbestos determination being made.
- (B) A generator should first determine if the waste is exempted in accordance with Section 5.5.2 of the Solid Waste Regulations.
- (C) A generator must determine if the waste is RACS, as defined in Section 1.2 of these Regulations, by either:
 - (1) Representative sampling of suspected asbestos containing material(s) and analysis of the material(s) by Polarized Light Microscopy (PLM) (using EPA Method 600/R-93/116 or equivalent) to determine asbestos content. The asbestos evaluation and sample collection must be conducted by an APCD CABI, and the analysis must be conducted by a National Volunteer Laboratory Accreditation Program (NVLAP) participating laboratory; or,
 - (2) Applying knowledge of the presence of RACS based on observation or documentable evidence; or,
 - (3) If no asbestos determination is made, the solid waste must be assumed to be RACS and managed in accordance with Section 5 of these regulations.
- (D) If the waste is determined to be RACS, the generator must comply with the requirements of Section 5 of these Regulations, or all soil disturbance must cease and the generator must permanently stabilize the area in accordance with Section 5.5.3(C)(2).

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